

EXCERPT FROM THE RECORD OF THE TRIAL
UNITED STATES OF AMERICA vs SHIGERU SAWADA, et al

Before the
MILITARY COMMISSION
Convened by the
COMANDING GENERAL
United States Army Forces
CHINA

UNITED STATES OF AMERICA :

-vs-

SHIGERU SAWADA

YUSUKE ITO

RYUHEI OKADA

SOTOJIRO FATSUTA

PUBLIC TRIAL

VOLUME V

PAGES 429 TO 455

SHANGHAI, CHINA.

DATE 1 MAY 1946

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SHIGERU SAWADA

one of the accused, took the stand in his own behalf.

* * * * *

Q. What is your name?

A. Sawada Shigeru.

Q. What is your rank in the Japanese Army?

A. Lieutenant General.

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Q. When you left Shanghai in May 1942 for the front, did you leave anyone in command at Shanghai? (p. 429)

A. I request two officers from the Supreme Headquarters to take care of the work in the Headquarters of Shanghai; that which concerned the law I left it up to Colonel Ito.

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Q. Did they have authority to use your chop on documents while you were away?

A. Yes.

Q. General, how long were you away at the front?

A. I believe I returned to Shanghai on the 17th of September 1942.

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Q. Did you know that the Doolittle fliers were to be tried at Shanghai prior to your departure for the front?

A. I did not think about this.

Q. You did not know or --

A. I did not know anything about this.

Q. Well, when was the first time that you knew that the Doolittle fliers were tried by the Military Tribunal of the 13th Army?
A. I heard it when I returned from the front.

Q. Had you received any messages or any orders or any other communications regarding the Doolittle fliers and the trial while you were at the front?
A. I had not received anything.

Q. Then you had not heard anything about the Doolittle fliers or the military tribunal prior to the time that you returned to Shanghai on September 17th?
A. Yes.

Q. Now, General, before you left for the front did you appoint a pool of judges to sit on court-martials? (p. 430)
A. They were appointed in ordinary times approximately several chief judges and over ten judges, and if there were anything and they needed any new judges, they would soon replace them from these judges on the list, that had been appointed for always.

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Q. Did General Ito select Wako and Okada for the Doolittle tribunal?
A. General Ito selected them and appointed them in my name.
Q. When you returned to Shanghai you say that was the first time you heard of the Military Tribunal for the Doolittle fliers. At this time did General Ito go over the whole trial with you?
A. Yes, that is right.

Q. What did General Ito tell you in regards to this trial when you returned to Shanghai?
A. He related to me what had happened in the court and the result of the trial. (p. 431)

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Q. Did you give Colonel Ito authority to send the decision of the Military Tribunal of the Doolittle fliers to Tokyo?
A. In my opinion I wished to report it myself to the Supreme Commander but as I was absent Colonel Ito sent it directly to Tokyo. (p. 433)

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Q. Is there anything, General, that you want to tell this Commission at this time in regard to the charges against you or in regard to anything in regard to the Doolittle trial?
A. Yes, I have.

Q. Explain it.
A. The trial of the Doolittle fliers was ordered by Tokyo and it was not tried under my order. Those regulations used for the trial was established by Tokyo also. Concerning their treatment, it also was awarded by Tokyo. (p. 436)

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CROSS EXAMINATION

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- Q. General, were you the senior officer in Shanghai during the period April 1, 1942, to October 1, 1942?
- A. Yes,--or in the Army. (p. 437)

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- Q. Now, you want the Commission to believe that you never went back in that prison to see what was going on back there and the prison was only 300 meters from your office?
- A. In regard to the Doolittle fliers, their treatment was a little different from prisoners of war because the War Ministry ordered us to treat them as war criminals but not prisoners of war.
- Q. Then you know how they were being treated when they were back there, didn't you?
- A. Colonel Ito made a report to me that they were treated as suspects of war criminals of the Japanese.
- Q. Did you do anything about their treatment? Did you try to improve it any?
- A. I didn't give any orders.
- Q. Did you give the order to treat them as war criminals?
- A. There was an order from the War Ministry that they were to be treated as suspects of war criminals.
- Q. The treatment of the prisoners was carried out under your command responsibility, wasn't it?
- A. Yes.
- Q. And when General Ito--anything General Ito did, he did at your command or under your command responsibility, didn't he?
- A. Because Ito acted for me, whatever he has done is my responsibility.
- Q. And whatever Take and Okada did is your responsibility, isn't it?
- A. Whatever any subordinates have done is my responsibility. (p. 441)
- Q. And whatever Hata did was your responsibility? Major Hata?
- A. Yes. (p. 442)

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- Q. And that prison of his was about 300 meters from your office in the same compound, wasn't it?
- A. It was an unimportant place and I misunderstood about it.
- Q. Now that is where all prisoners were confined who were tried before your military courts, wasn't it?
- A. Yes.
- Q. And there was a lot of foreign prisoners back there, wasn't there?
- A. Yes.
- Q. And you knew they were back there, didn't you at the time they were there?
- A. I knew.

(Excerpt from Ex. 3834)

Q. And you knew what kind of treatment they were getting back there, didn't you?

A. Yes, I knew. (p. 443)

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Q. Then on August 28, 1942 you were the commanding general in command of the 13th army, is that correct?

A. Yes.

Q. And the trial held there that day was held under your authority, is that correct?

A. Yes.

Q. When you came back in September you stated that you approved the record of trial that General Ito brought to you, is that correct?

A. Yes, that is true.

Q. And you did that personally by putting your chop on this record of approval, is that correct?

A. Yes.

Q. Now General, this record of trial was never sent to Tokyo was it - the actual record itself?

A. The document which I signed was kept in the headquarters but was never sent to Tokyo.

Q. And your headquarters only sent a radio report to Tokyo of the results of the trial, isn't that correct?

A. I was explained so by Ito.

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Q. Then isn't it a fact that you were the only one that actually approved the record of trial? (p. 446)

A. I signed it as the commanding general of the military tribunal.

Q. And at the time you signed it it called for death for all eight of the fliers, didn't it?

A. Yes.

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Q. Then General, you could have either approved the record of trial, the conviction, or have disapproved the record of trial at that time, couldn't you?

A. Yes.

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Q. Now you told the Commission that you went up to Nanking and told General Hata that you thought the sentence was too severe, is that correct?

A. Yes.

Q. Was this after you had approved the sentence, the record of trial?

A. Yes, that is after I approved these sentences.

Q. Well, did you think the sentences were too severe when you approved them?

A. I had that feeling.

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- Q. Well, why did you approve them then if you thought they were too severe?
- A. At that time Tokyo demanded that the prosecutor request the death penalty and therefore I could not change the sentence. (p. 447)
- Q. Well, the fact is you didn't do anything to change the sentence, did you General?
- A. Ordinarily I have no authority to change the sentence and at that time I was informed to wait the orders from Tokyo so I could not do anything about it.
- Q. Now when you went up to see General Hata up at Nanking what did you say and what did he say about this Doolittle case?
- A. I told them that the sentences imposed upon the eight fliers are death and I feel sorry for them, for the fliers. To that General Hata said, "I feel the same way but since the orders are to wait for the approval of Tokyo, we have to wait." (p. 448)

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- Q. Then why did you approve the sentence? Why didn't you just leave it alone?
- A. In this trial the judges give the sentences and these sentences were immediately sent to Tokyo in a form of a statement and I was just between the two parties and I could not do anything but to sign it since I thought this was proper.
- Q. Then you thought the sentence was proper, didn't you, that is why you approved it?
- A. Yes. (p. 450)

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- Q. Did you talk to Shimomura about the Doolittle case?
- A. I transmitted the report to Shimomura.
- Q. What did you tell him about it? Did you tell him you were still sorry for the boys?
- A. I told him there would be the final orders from Tokyo, to wait for it.
- Q. What did he say to that?
- A. He said, "I fully understand."
- Q. Now General Sawada, the court was appointed under your jurisdiction, is that correct?
- A. That is the truth.
- Q. And the case was referred to the court under your authority, is that correct?
- A. That was ordered in my name but I did not directly order.
- Q. But you were responsible for the army at that time, is that right?
- A. Yes.
- Q. And the members of this Commission, the court, the prosecutor, were all working for you at that time and their acts were committed under your authority, is that right?

- Q. They were not directly ordered but they were ordered under my name.
- A. Then whatever they did was done under your command responsibility, isn't that right?
- Q. I am the commanding general of the military tribunal therefore I hold responsibility as commanding general. (p. 452)

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EXAMINATION BY THE COMMISSION

- Q. (By Lt Col Berry) General Sawada, I call your attention to the testimony of General Ito last Wednesday, the 3rd of April wherein the General said to this effect that a report of the trial on the 28th of August 1942 was sent by telegram to Tokyo through Hanking and that on or about the 29th or 30th of August a written report was sent to Tokyo. I ask you whether you know what was in that report?
- A. That written document was the verdict of the military tribunal.
- Q. Is that all it was?
- A. That is all. (p. 454)

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RE-CROSS EXAMINATION

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- Q. General, isn't it true that the entire record of that trial remained in the headquarters of the 13th army until Major Inoue came here from Japan in 1944 to get the record and take it back to Japan?
- A. They ought to have been kept there.
- Q. They should have been kept there. You mean in the headquarters, 13th army?
- A. The headquarters. (p. 455)

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Def. Doc. 2995

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辯護側書證第二九九五號
法廷證 第 號

亞米利加合衆國對澤田茂其龍ノ
裁判記録ヨリ抄萃

在中國合衆國陸軍司令官ノ召集ニカカル軍事委員會ニ於テ
米 國 對 澤田 茂

和光ユ一セイ 公判

岡田 隆平

龍田 外次郎

記録第五卷四二九頁ヨリ四五五頁迄
中國上海ニ於テ一九四六年五月一日

問	被告ノ一人澤田 茂ハ自己ノ爲メ人臺ニ立ツタ	x	x	x	x	x	x
答	澤田 茂	x	x	x	x	x	x
澤田 茂	下ノ姓名ハ	x	x	x	x	x	x

問 日本陸軍ニ於ケル貴下ノ階級ハ
答 中將デアリマス

X
 X
 X
 X

貴下ガ一九四二年五月上海ヲ離レテ前線ニ向ツタ時、貴下ハ上海ニ誰カ指揮ヲ取ル者ヲ置イテ行キマシタカ、（四二九頁）

私ハ上海ノ司令部ノ事務ヲ管掌スル爲メ最高司令部カラ二名ノ將校ヲ要求シ、法律ニ關スル事ハ伊藤大佐ニ委セマシタ

X
 X
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 X

貴下が不在中貴下ノ印ヲ書類ニ使用スルニ限リ其等ノ者ハ持ツテ居タ
ノデスカ

サウデアリス

將軍、貴下ハ前線ニドノ位居ラレマシタカ

私ハ一九四二年九月十七日ニ上海ニ戻ツタト思ヒマス

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實下ハ貴下ガ前線ニ出發シレル前ニドウリツトル飛行士達ガ上浮デ發
判ニ附セラレル事ニナツテ居ツタノヲ知ツテ中マシタカ
此ノ事ニ就テハ考ハマセンデシタ
御意ジナカッタノデスカ、ソレトモ、

ニ就テハ考ヘマセンテシタ

御一ツナカタノデスカ、ソレトモ

PURL: <http://www.legal-tools.org/doc/68984c/>

問	答	問	答
貴下が上海ニ歸ツタ時其ノ時ガドウリツトル飛行士ノ軍法會議ノ事ヲ聞	共ニ全審理ヲ檢査シタノデスカ	上海ニ貴下ガ戻ラレタ時。此ノ裁判ニ關シ伊藤將軍ハ貴下ニ何ト云ヒマ	シタカ
イタ最初デアルト貴下ハ云フテ居ラレマス。此ノ時ニ伊藤將軍ハ貴下ト	ハイ其ノ通りデアリマス	彼ハ法廷ニ起ツタ事及ビ裁判ノ結果ヲ私ニ語りマシタ。(四三一頁)	×
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問 答		問 答	
		貴下ハ伊藤大佐ニドウリツトル飛行士ノ軍法會議ノ判決ヲ東京ヘ送ル	
		諸君チ與ハマシタカ	
		私ノ見解デハ私ハソレチ最高司令官ニ自分デ報告シタカタノデスガ	
		私ガ不在ノ爲メ伊藤大佐ガソレチ直接東京ヘ送ツタノデアリマス	
		(四三三頁)	
X	問	將ニ、貴下ニ對スル訴追事項ニ關シ若クハドウリツトル飛行士ニ關シ	X
		何事ニモアレ此ノ軍事委員會ニ云ヒ反イト思フ事ガ何カアリマスカ	X
		ハイ、アリマス	X
		ソレチ説明ナサイ	X
		ドウリツトル飛行士ノ裁判ハ東京ニ依リ命令サレタノデアツテ、私ノ	X
		命令下ニ裁判ガ爲サレタノデアリマセン、裁判ニ使用サレタ規則モ	X
		亦東京デ作ラレタノデアリマス	X
		彼等ノ取扱ニ關シテモ東京ニ依リ指圖セラレタノデアリマス	X
X	反對		
X	訊		
X	問		
X			
X			

問	答	問	答	問	答	問	答
將軍、貴下ハ一九四二年四月一日ヨリ一九四二年十月一日ニ至ル期間、上海ニ於ケル先任將校デアリマシタカ	ハイ	サテ貴下ハ常委員會ニ、貴下ハ其處ノ狀況觀察ノ爲メ拘禁所ヘハ二度ト行カナカッタ、シカモ拘禁所ハ貴下ノ官廳カラ僅カ三百メートルデアッタ、ト云フ事ヲ信ジテ實ニ履イノデスネ	ドウリツトル飛行士ニ關シテハ、其ノ取扱ハ、陸軍省等ノ者ヲ戰爭犯罪人トシテ取扱ヒ俘虜トシテ扱フベカラズト我々ニ命令シマシタノデ	然ラバ貴下ハ彼等ガ其處ニ居ッタ時彼等ガ如何ニ扱ハレテ居ッタカ知ツテ居ルノデスネ	伊藤大佐ハ私ニ彼等ハ日本ノ戰爭犯罪人容疑者トシテ扱ハレテ居ルト云フ報告ヲ致シマシタ	彼等ノ取扱ニ就テ貴下ハ何カ處置ヲ取リマシタカ、ソレヲ多少トモ改善シヤウトシマシタカ	私ハ何等命令ヲ發シマセンデシタ
貴下ガ彼等ヲ戰爭犯罪人トシテ取扱フ命令ヲ發シタノデスカ							

陸軍省カラ是等ノ者ハ戦争犯罪人容疑者トシテ取扱フベキデアルトノ命
 令ガアリマシタ
 囚人ノ取扱ハ貴下ノ指揮責任下ニ於テ行ハレタノデスネ
 同 答 サウデアリマス
 問 而シテ伊藤將軍ハ伊藤將軍ノ爲シタ事ハ何事モ貴下ノ命令若クハ貴下ノ
 指揮責任ノ下ニ爲シタノデスネ
 答 伊藤ガ私ノ代理テ事ヲ行ヒマシタノデ、彼ノシタ事ハ何事モ私ノ責任デ
 アリマス
 問 和光ト岡田ガシタ事モ貴下ノ責任デアリマスネ
 答 誰ニヨラズ部下ノシタ事ハ私ノ責任デアリマス（四四一頁）
 問 而シテ畑ノシタ事モ貴下ノ責任デアリマシタネ、畑少佐ノシタ事ハ、？
 答 サウデアリマス（四四二頁）
 問 而シテ彼ノ拘禁所ハ同ジ構内ノ貴下ノ官廳カラ約三百メートルデアリマ
 シタネ
 同 答 重慶デナイ場所デシタノデ私ハソレニ就テ誤解シテ居リマシタ
 サテソレガ貴下ノ法律會議デ裁判サレル囚人ガ凡テ拘禁サレテ居ル處デ
 シタネ

問	答	問	答	問	答	問	答
サウデアリマス	其處ニハ外國人ノ囚人ガ澤山居リマシタネ	サウデアリマス	ソシテ貴下ハ、ソレヲノ者ガソコニ居ルコトヲ彼等ガ其處ニ居ル當時御存ジデシタネ	知ツテ居リマシタ	而シテ貴下ハ如何ナル種類ノ取扱ヲ彼等ガ其處デ受ケテ居タカ御存ジデシタネ	ハイ私ハ知ツテ居リマシタ(四四三頁)	ソレカラ一九四二年八月二十八日ニ貴下ハ第十三軍ノ司令官デアリマシタ、ソレニ違ヒハアリマセンネ
サウデアリマス	而シテ其日其處デ行ハレタ裁判ハ貴下ノ權限ノ下ニ行ハレタ、ソレニ違ヒアリマセンネ	サウデアリマス	貴下ガ九月ニ戻ツテ來ラレタ時貴下ハ伊藤將軍ガ貴下ノ許ニ待ツテ來タ裁判ノ記録ヲ承認シタト述ベマシタ、ソノ通りデスカ				

答	問	答	問	答	問	答
サウデス、ソレガ事實デス	而シテ貴下ハ此ヲ承認ノ書類ニ貴下ノ印ヲ捺シテ御自身デ承認ヲシタ、	ソレニ違ヒアリマセンネ	サウデス	サテ將軍、此ノ裁判記録ハ決シテ東京へ送ラレナカッタノデスネ、實際	ノ記録自体ハ?	私ノ署名シタ書類ハ司令部ニ保管ハサレマシタガ東京へハ決シテ送ラレ
マセンデシタ	而シテ貴下ノ司令部ハ唯裁判ノ結果ノ報告ヲ東京へ無線デ報告シタノミヨ	デシタ、ソレデ間違ヒハアリマセンネ	私ハ伊藤ニソウ説明サレマシタ			
X	X	X	X	X	X	X

問	答	問	答	問	答
ソレデハ裁判ノ記録ヲ實際ニ承認シタノハ貴下丈トイフ事デハナイ	テシヤウカ(四四六頁)	軍部裁判ノ司令官トシテソレニ署名致シマシタ	ソウシテ貴下カソレニ署名シタ時書類ハ八名ノ飛行士ニハ皆死刑ヲ	要求シアアツタノデシタネ	サウデアリマス
ソレデハ將軍具ノ時裁判ノ記録有罪ノ決定ヲ承認スルカ。或ハ裁判	ノ記録ニ承認ヲ與ヘナイト云フコトガイゾレテモ出來タワケデハナ	イテスカ	サウデアリマス	カア、貴下ハ南京ヘ行キ宣告カ余リ嚴シ過ギルト貴下カ思フト畑不	將ニ話タシタト本委員等ニ云ハレマシタ。ソノ通りテスカ
サウデアリマス					

問 答 問 答 問 答 問 答 問 答

此ノ事ハ其下カ宣告或判記録ヲ承認シタ後テアリマシタカ
 ソウテス其レハ私カ此等ノ宣告ヲ承認シタ後テアリマス
 ソウ、貴下カ其レ無ノ宣告ヲ承認シタ時最シキニ過ルト考ヘマシタ
 カ
 私ハ其ノ様ナ感情ヲ持ナマシタ
 ソレテハ貴下ハ宣告カ余リ威シ過ギルト思ツタナラバ何故ニ其レ事
 ヲ承認シマシタカ
 其ノ時東京ハ俄チカ死刑ヲ永刑スルコトヲ求メマシタ。其ノ爲メ私
 ハ宣告ヲ變ヘルコトハ出来マセンテシタ（四四七頁）
 ソウ、デハ貴下ハ貴下ハ宣告ヲ變ヘルコトニハ何ニモ盡カシナカツ
 タノテシタ不、將旦、
 通例私ハ宣告ヲ變更スル何寺ノ權限ナク又其ノ時ハ東京カラノ命令
 ヲ待ツ權報告カアリマシメテ其レニツイテハ何スルコトモ出来マ
 センデシタ

九

司

答

問 答

サア。貴下ハ兩京ニイツア畑大將ニ習ツタ時ドウリツトル號飛行士ノ件ニツキ伺ント貴下ハ云ヒマシタカ父畑大將ハ伺ント云ヒマシタ

カ

私ハ皆ニ八名ノ飛行士ニ誤ンタ宣告ハ死刑デアリ飛行士達ニハ氣ノ毒ニ私ハ思フト云ヒマシタ具レニ對シ畑大將ハ「私ハ貴下ト同ジ様ニ感ジマスカ命令ハ東京ノ承認ヲ待ツ可シトアリ私共ハ待タナケレバナラヌ」ト云ヒマシタ（四四八頁）

× × × × ×

ソレテ如何ナル理由ヲ具ノ宣告ヲ承認シタノアシタカ何故宣告ラタダ直量シテ裁カナカツタノアシタカ

此ノ裁判ニ於テハ裁判員ハ宣告ヲ與ヘソウシア此等ノ宣告ハ直テニ審議トシア東京ニ送ラレマシタソウシア私ハ丁度兩者ノ間ニ立ツア居リ私ハ之レカ適當デアルト考ヘタカラ耳レニ署名セザルヲ望マデシテシタ

問	答	問	答	問	答	問	答
ソレヲ賣下ハ直告ハ廻當アアルト考ハタノデスネソレカ賣下カソレ	ラ承認シタ理由アスネ	ソウデス (四五頁)	ス	ス	ス	ス	ス
				ドウリツトル事件ニ就イテ下村ニ証ラシマシタカ	私ハ下村ニ報告ヲ傳達致シマシタ	ドウリツトル事件ニ就ン彼ニ何ニテ告ゲマシタカ私ハ是等ノ少年	ニ對シ未タ氣配ニ思ツア居ルト告ゲマシタカ
						私ハ彼ニ最終ノ命令ヲ東京カラ來ル其レヲ待ツ様ニ告ゲマシタ	真レニ對シ彼ハ何ント云ヒマシタカ
							彼ハヨク分リマシタト云ヒマシタ
							サア澤田將軍、裁判所諸員ハ賣下ノ機限下ニ任命サレマシタソレカ
							正シイデスカ
							ソレカ眞實デス

問	答	問	答	問	答
ソウシテ此ノ事件ハ其下ノ権限ヲ法廷ニ廻サレタ。ソレガ正シイデスカ	ソウシテ此ノ事件ハ其下ノ権限ヲ法廷ニ廻サレタ。ソレガ正シイデスカ	ソウシテ此ノ事件ハ其下ノ権限ヲ法廷ニ廻サレタ。ソレガ正シイデスカ	ソウシテ此ノ事件ハ其下ノ権限ヲ法廷ニ廻サレタ。ソレガ正シイデスカ	ソウシテ此ノ事件ハ其下ノ権限ヲ法廷ニ廻サレタ。ソレガ正シイデスカ	ソウシテ此ノ事件ハ其下ノ権限ヲ法廷ニ廻サレタ。ソレガ正シイデスカ
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問	答	問	答
將重、其ノ裁判ノ記録全部ハ開上少佐カ此處ハ一九四四年ニ日本カ	其ノ裁判ハ其ノ裁判所ノ判決アリマシタ	（ベリ）中佐ニ依ツテ一澤田將重。私ハ去ル四月三日水曜日ノ東京	二年四月廿八日裁判ノ報告ヲ電報テ南京ヲ通ジテ東京ニ送達シ八月
ラ取リニ來テ其レヲ日本ニ持テ歸ヘラントシタ迄第拾參重司令部ニ	其レ丈テアリマス	將重ノ報告ニ其下ノ在獄ヲ引キ度イト思ヒマスソレニ將重ハ一九四	其下ニ尋ネマスカ其ノ報告ニ何ニカ認メテアツタカ知ツテマスカ
	其レ丈テアリマス		15

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